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Attorneys for Defendant
CAREER SYSTEMS DEVELOPMENT CORPORATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|----------------------------|---|------------------------------------|
| DARLENE HOYT, |) | CASE NO.: 07 CV 1733 BEN (RBB) |
| |) | |
| Plaintiff, |) | DEFENDANT CAREER SYSTEMS |
| |) | DEVELOPMENT CORPORATION'S |
| vs. |) | EX PARTE APPLICATION FOR AN |
| |) | ORDER CONTINUING THE TRIAL |
| CAREER SYSTEMS DEVELOPMENT |) | DATE |
| CORPORATION, |) | |
| |) | Judge: Hon. Roger T. Benitez |
| Defendant. |) | Courtroom: 3 |
| |) | |

Defendant Career Systems Development Corporation ("CSDC") hereby applies to the Court *ex parte* for an Order continuing the trial date, currently set for July 27, 2010, because the date chosen for trial by the Court conflicts with defense counsel's arbitration set for July 26, 2010 in Los Angeles (set for five days), and trial set for August 10, 2010 in the Eastern District.

As the Court will recall, on May 4, 2010, the parties appeared at a hearing concerning CSDC's *ex parte* application for an order disqualifying Plaintiff's counsel. At the hearing, the Court informed the parties that it had not had an opportunity to review the papers in connection with CSDC's application and that it also needed to move the May 11, 2010 trial date because of a conflicting criminal trial that was scheduled to begin on May 4 and last through the week of May 10. The Court informed the parties that it would contact each of them to ascertain available dates to reset the trial.

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On May 18, 2010, the Court issued an Order *sua sponte* resetting the trial date for July 27, 2010, at 9:30 am (with an end date of August 6). Counsel for CSDC immediately contacted the Court to alert it that the new trial date conflicted with its previously scheduled trial calendar. Specifically, counsel for CSDC has a five-day arbitration in Los Angeles the week of July 26, 2010. Further, counsel for CSDC has a two week trial set to begin in the Eastern District on August 10, 2010. Understanding these concerns, the Court asked CSDC to meet and confer with Plaintiff and obtain new dates for trial. Pursuant to the Court's request, CSDC informed counsel for Plaintiff of its need to continue the trial date and the reasons for the request. Unfortunately, Plaintiff's counsel refused to agree to move the trial date. Despite his refusal to agree to move the date, Plaintiff's counsel provided his availability for trial after July 27, 2010, in the event the Court agreed to move the trial date. Accordingly, based on the availability of all parties, CSDC respectfully requests that the Court continue the trial to November 9, 2010, or as soon thereafter as is convenient with the Court.

Dated: May 27, 2010

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By: /s/ Jonathan D. Andrews
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 Shauna L. Durrant
 Attorneys For Defendant
 CAREER SYSTEMS DEVELOPMENT
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